

811 KAR 2:015. Commission; administrative staff.

RELATES TO: KRS 230.610-230.770

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY, FUNCTION, AND CONFORMITY: To regulate conditions under which Arabian, quarter horse and appaloosa racing shall be conducted in Kentucky. The function of this administrative regulation is to outline the positions and duties of the commission.

Section 1. Statutory Powers of the Commission. (1) The commission shall be composed of five (5) members, responsible as a body for the regulation of Arabian, quarter horse and appaloosa racing in Kentucky, under the terms defined in KRS 230.410 to 230.447, and other statutes pertaining to Arabian, quarter horse and appaloosa racing.

(2) Individual members of the commission may be assigned specific areas of responsibility; and, with the consent of the commission, can act with full authority of the commission in such areas.

Section 2. Commission Secretary. The secretary of the commission shall be appointed by the Governor for a term not to exceed four (4) years. He shall possess the powers and perform the duties imposed upon him by KRS 230.410 to 230.447, and shall perform such other duties as the commission may direct.

Section 3. Administrative Staff. The following positions and duties compose, with secretary, the administrative staff of the commission:

(1) Senior steward and chief administrator, in overall supervision of all commission matters pertaining to racing.

(2) State steward, responsible for all commission matters at the race meetings to which he is assigned, and for such other duties as may be directed.

(3) Associate steward, who may be assigned by the commission to serve under the state steward as they may direct.

(4) Executive director, responsible under the chief administrator for the administration of commission programs.

(5) Public relations director, responsible for the promotion of the Arabian, quarter horse and appaloosa industry in Kentucky.

Section 4. Commission License Administrator. The commission may employ a person or persons who shall be responsible for processing license applications of all persons, other than associations, required to be licensed by 811 KAR 2:020 and collecting fees therefor. All license applications received by the license administrator shall be subject to approval by the licensing committee and the commission. The licensing administrator and his assistants shall:

(1) Be present on association grounds prior to the opening of a race meeting to accept license applications and shall maintain an office on association grounds to accept license applications during such race meeting.

(2) File daily reports to the commission on license applications received with accountings of fees received and forwarded to the commission.

(3) Be responsible for the photographing of license applicants for whom same is required.

(4) Be bonded.

Section 5. Commission Supervisor of Pari-mutuel Betting. (1) The commission shall employ a supervisor with accounting experience who shall be responsible for ascertaining whether the proper amounts have been paid from pari-mutuel pools to the betting public, to the association, and to the

Commonwealth, by checking, auditing, and filing with the commission verified reports accounting for daily pari-mutuel handle distribution and attendance for each preceding racing day and a final report at the conclusion of each race meeting in the Commonwealth.

(2) Such daily reports to the commission shall show: for each race: number of horses started, number of betting interests, total money wagered in each betting pool, and refunds, if any, for each day. The sum of all betting pools, and total refunds also, total pari-mutuel handle for the comparable racing day for the preceding year, and cumulative total and daily average pari-mutuel handle for the race meeting.

(3) Such daily reports also shall show: amount of state pari-mutuel tax due; taxable admissions, tax exempt admissions, total admissions; temperature, weather and track conditions; post time of first race; program purses, distance and conditions of each race; any minus pools resulting with explanation.

(4) The commission supervisor of pari-mutuel betting shall submit to the commission on or before thirty (30) days after the close of each race meeting a final verified report giving in summary form a recapitulation of the daily reports for each race meeting and such other information as the commission may require.

(5) The commission supervisor of pari-mutuel betting or his representative shall have access to all association books, records, and pari-mutuel equipment for checking accuracy of same.

Section 6. Commission Veterinarian. The commission shall employ a graduate veterinarian licensed in Kentucky and experienced in equine medicine and practice. He shall advise the commission and the stewards on all equine veterinary matters. The commission veterinarian's prime responsibility shall be the supervision and control of the detention area and for the collection of samples for the testing of horses for prohibited medication as outlined in 811 KAR 2:095. The commission may employ persons to assist the commission veterinarian in maintaining the detention area and collecting specimens. The commission veterinarian shall not treat or prescribe for any horse registered to race at any race track where he is employed, except in case of emergency; nor shall he buy or sell, for himself or another, any horse under his supervision; nor shall he wager on a race under his supervision.

Section 7. Commission Chemist. (1) The commission is authorized to acquire, operate and maintain or to provide by contract for the maintenance of a testing laboratory and related facilities, for the purpose of performing such tests as the commission may require. Such commission chemist shall be a graduate chemist experienced in chemical testing techniques for conducting tests on urine, saliva, sweat, blood and other specimens from Arabian, quarter horses or appaloosas delivered to the commission chemist or his representative by the commission veterinarian.

(2) The commission chemist shall report to the state steward all substances he might find in his tests which are not normal in the body of the horse as outlined in 811 KAR 2:095. His duties will be limited to these reports and need not include the possible effects on the physiology of a horse.

Section 8. Commission Director of Security. The commission may employ an investigator experienced in police work who shall advise the commission as to any person on association grounds, or among license applicants, whose conduct or reputation is such that such person's presence on association grounds may reflect on the honesty and integrity of Arabian, quarter horse or appaloosa racing or interfere with the orderly conduct of Arabian, quarter horse or appaloosa racing. The commission director of security shall:

(1) Maintain a current file on persons against whom rulings have been issued in racing jurisdictions and reported through the National Association of State Racing Commissioners. Said file also shall contain reports as to ejections or exclusions from association grounds in Kentucky and other

racing jurisdictions.

- (2) Investigate and ascertain the truth of statements made on license applications.
- (3) Investigate possible infractions of racing rules at the request of the commission or stewards.
- (4) Participate and cooperate with members of the track security police, state and local police on all other investigations pertaining to racing in the Commonwealth.

Section 9. Commission Inspector. The commission may employ a person or persons who shall be responsible for ascertaining that all persons required to be licensed under 811 KAR 2:020 have same in their possession on association grounds, and for conducting investigations on association grounds at the request of the stewards or the director of security.

Section 10. Investigative Powers. To insure compliance with these rules or to investigate possible infraction of these rules, the commission and its representatives shall have free access to all offices, files, records, enclosures, barns, and other facilities owned or possessed by associations. The commission and its representatives shall have the power to conduct a reasonable search of the person and property in the possession of licensed persons, such property being restricted to that on association grounds and including, without limiting thereby, tack rooms, living or sleeping quarters.

Section 11. Publication of Rule Changes. All rules adopted, revised, or repealed subsequent to the publication of a rule book shall be signed by the secretary and published by posting same with the effective date, in compliance with the statutes, of such change on the bulletin board of the racing secretary's office of each association, and by forwarding a copy of same to the National Association of State Racing Commissioners, and to the Daily Racing Form for publication therein. (Recodified from 812 KAR 1:015, 6-10-87.)